

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Otilio Miranda Lopez, )

a.k.a.: Otilio Miranda-Lopez, )

a.k.a.: Otolio Miranda-Lopez, )

(A093 244 982) )

*Defendant*

Case No. 17- 6349mJ

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 29, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Otilio Miranda Lopez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about June 1, 2001, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**

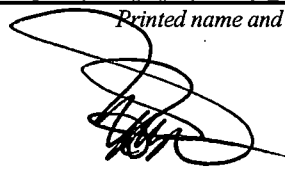
REVIEWED BY: AUSA Jacqueline Schesno for AUSA Jonathan R. Hornok

☒ Continued on the attached sheet.
  
 Complainant's signature
Richard G. Prunty,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: October 2, 2017

  
 Judge's signature

City and state: Phoenix, Arizona

David K. Duncan,  
United States Magistrate Judge

Printed name and title

### **STATEMENT OF PROBABLE CAUSE**

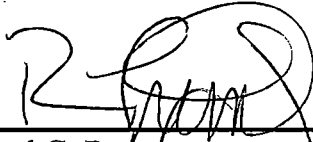
I, Richard G. Prunty, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 29, 2017, Otilio Miranda Lopez was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Miranda Lopez was examined by ICE Officer G. Burns who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On September 30, 2017, Miranda Lopez was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Miranda Lopez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Otilio Miranda Lopez to be a citizen of Mexico and a previously deported criminal alien. Miranda Lopez was removed from the United States to Mexico at or near Calexico, California, on or about June 1, 2001,

pursuant an order of removal issued by an immigration judge. There is no record of Miranda Lopez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Miranda Lopez's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Otilio Miranda Lopez was convicted of Possess Explosive/Etc/Device in Public Place, a felony offense, on or about May 9, 2000, in the Superior Court of California, San Bernardino County. Miranda Lopez was sentenced to two (2) years' incarceration. Miranda Lopez's criminal history was matched to him by electronic fingerprint comparison.
5. On September 30, 2017, Otilio Miranda Lopez was advised of his constitutional rights. Miranda Lopez freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 29, 2017, Otilio Miranda Lopez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about June 1, 2001, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply

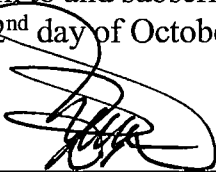
for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



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Richard G. Prunty,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 2<sup>nd</sup> day of October, 2017.



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David K. Duncan,  
United States Magistrate Judge